

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Ma

February 14, 2007

An act to amend Section 9202 of the Probate Code, relating to decedents' estates.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as introduced, Ma. Decedents' estates: creditor claims.

Existing law requires the general personal representative or the estate attorney of a decedent's estate to provide notices to the Director of Health Care Services and the Director of the California Victim Compensation and Government Claims Board, under specified circumstances, not later than 90 days after the date letters of administration are first issued.

This bill would require the general personal representative or estate attorney to give the Franchise Tax Board notice of the administration of the estate, as specified, not later than 90 days after the date letters of administration are first issued.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9202 of the Probate Code is amended to
- 2 read:
- 3 9202. (a) Not later than 90 days after the date letters are first
- 4 issued to a general personal representative, the general personal
- 5 representative or estate attorney shall give the Director of Health

1 *Care Services* notice of the decedent's death in the manner
2 provided in Section 215 if the general personal representative
3 knows or has reason to believe that the decedent received health
4 care under Chapter 7 (commencing with Section 14000) or Chapter
5 8 (commencing with Section 14200) of Part 3 of Division 9 of the
6 Welfare and Institutions Code, or was the surviving spouse of a
7 person who received that health care. The director has four months
8 after notice is given in which to file a claim.

9 (b) Not later than 90 days after the date letters are first issued
10 to a general personal representative, the general personal
11 representative or estate attorney shall give the Director of the
12 California Victim Compensation and Government Claims Board
13 notice of the decedent's death in the manner provided in Section
14 216 if the general personal representative or estate attorney knows
15 or has reason to believe that an heir is confined in a prison or
16 facility under the jurisdiction of the Department of Corrections ~~or~~
17 ~~the Department of the Youth Authority and Rehabilitation~~ or
18 confined in any county or city jail, road camp, industrial farm, or
19 other local correctional facility. The director of the board shall
20 have four months after that notice is received in which to pursue
21 collection of any outstanding restitution fines or orders.

22 (c) (1) *Not later than 90 days after the date letters are first*
23 *issued to a general personal representative, the general personal*
24 *representative or estate attorney shall give the Franchise Tax*
25 *Board notice of the administration of the estate. The notice shall*
26 *be given as provided in Section 1215.*

27 (2) *The provisions of this subdivision shall apply to estates for*
28 *which letters are issued on or after January 1, 2008. This*
29 *subdivision shall also apply to estates that, as of January 1, 2008,*
30 *an order for final distribution has not been made, provided that*
31 *the general personal representative or estate attorney shall not be*
32 *in violation of its provisions if he or she provides the required*
33 *notice within 90 days of January 1, 2008.*